

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

EXHIBIT 1

OM SHRI AGASI MATA LLC D/B/A
HAMPTON INN AND
JAYESH PATEL

Plaintiffs,

vs.

HC ADVISORS AND YAZ KAMADA,
Defendants.

DOCKET NO. 4:12-CV-40123

AFFIDAVIT OF JAYESH PATEL
IN SUPPORT OF PLAINTIFFS' MOTION
FOR ASSESSMENT OF DAMAGES

I, Jayesh Patel, being duly sworn, do depose on my oath and state as follows:

1. The Plaintiffs in this action are Om Shri Agasi Mata LLC and Jayesh Patel. The Plaintiffs operated Hampton Inn hotel located at 736 Southbridge Street, in Auburn, MA. I am the Manager of the LLC and the General Manager of the hotel. In these capacities I was the primary participant in all dealings with the Defendants that are covered by this lawsuit and I have personal knowledge of all of the facts asserted in this affidavit.

2. Attached to the Plaintiffs' Complaint in this matter is the contract for the renovation of the hotel. The contract is between the hotel and the Defendants and is dated February 21, 2012, and said contract is incorporated by reference herein.

3. In connection with said contract the Defendants received a down payment of \$20,400.00. The Defendants did no work on the hotel pursuant to the contract, but simply absconded with the down payment.

4. Despite repeated demands the Defendants refused to do any work on the job in default of their obligations contained therein.

5. As the result of the Defendants' default, as General Manager of the hotel, I was forced to find replacement contractors to do the work covered by the contract. This affidavit summarizes the identity of those replacement contractors, the cost of their work and, in ¶ 7, the excess cost of paying said contractors over and above the amount for items covered by the Plaintiffs' contract with the Defendants.

6. The contractors brought in to work on the hotel as the result of the Defendants' default were as follows:

- | | |
|--|---|
| a. Hotel signs
See Exhibit 1 attached hereto | Cost of labor and materials \$ 8,676.39 |
| b. TG Installations
See Exhibit 2 attached hereto | Cost of labor and materials \$68,652.13 |

c. Besam, NJ (including ASSA Abloy) See Exhibit 3 attached hereto	Cost of labor and materials	\$ 2,077.95
d. Bristol Builders and Contractors See Exhibit 4 attached hereto	Cost of labor and materials	\$ 2,475.09
e. Mincey Marble Company See Exhibit 5 attached hereto	Cost of labor and materials	\$28,912.50
f. Robert Soncy See Exhibit 6 attached hereto	Cost of labor and materials	\$ 1,635.21
g. Safe Step, Inc. See Exhibit 7 attached hereto	Cost of labor and materials	\$ 6,898.40
h. Raydor See Exhibit 8 attached hereto	Cost of labor and materials	\$ 9,648.47
i. Country Carpet See Exhibit 9 attached hereto	Cost of labor and materials	\$35,380.00
j. Hotel Tech Int. 6,445.40 See Exhibit 10 attached hereto	Cost of labor and materials	\$
k. Souza Wallcovering See Exhibit 11 attached hereto	Cost of labor and materials	\$10,725.00
l. Gregory Webb – General Carpentry See Exhibit 12 attached hereto	Cost of labor and materials	\$46,970.80
m. Fence Plus See Exhibit 13 attached hereto	Cost of labor and materials	\$ 3,500.00
n. Renovation LLC See Exhibit 14 attached hereto	Cost of labor and materials	\$ 2,297.00
o. R.C. Carbone Trucking See Exhibit 15 attached hereto	Cost of service	\$ 1,941.85
p. Sherwin Williams See Exhibit 16 attached hereto	Cost of materials	\$ 2,570.03

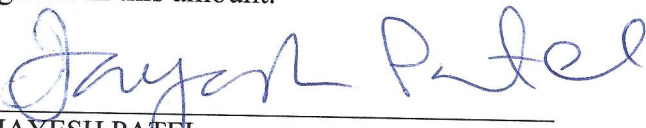
7. The excess cost of replacing the Defendant' contract obligation is shown on the following chart:

	HAMPTON COST	CONTRACT PRICE	DIFFERENCE
82 bathroom renovation	\$48,697.17	\$ 44,061.60	
Lobby Renovations	41,328.76	20,990.20	\$20,338.56
Guest rooms	54,150.00	63,507.40	-9,357.40
Installation of new FF&E Package	19,680.00	0	19,680.00
HCA	20,050.00	0	20,050.00
Promissory Note – General Carpentry	13,259.00	0	13,259.00
Carpeting	13,700.00	11,843.70	1,856.30
Canopy	11,500.00	8,250.00	3,250.00
Pool Floor Renovation	20,000.00	17,820.00	2,180.00
Stairway Floor Renovations	2,500.00	1,016.40	1,483.60
Supervision	65,000.00	9,900.00	55,100.00
Project Management	0.00	8,800.00	(8,800.00)
Profit and Overhead 10%	\$31,986.49	\$ 27,517.93	\$ 4,468.56
Difference			\$123,508.62

8. Additionally the Plaintiffs lost money as the result of decreased occupancy during the excess period of time to complete work beyond the reasonable time for doing this work had the Defendants performed pursuant to the Parties' contract. This lost revenue is approximately \$20,000.00 and is based on two items. First, money that had to be refunded to customers who cancelled reservations or whose reservations Plaintiffs had to cancel due to the time involved in replacing Defendants' work. Second, is the decrease in occupancy rates during the relevant period of time.

9. Therefore, the total damages suffered by Plaintiffs as the result of Defendants' default is \$143,508.62. Plaintiffs request judgment in this amount.

Dated: May 22, 2013


 JAYESH PATEL
 INDIVIDUALLY AND AS MANAGER OF
 OM SHRI AGASI MATA LLC D/B/A HAMPTON INN

State of Illinois

County of _____.

_____, 2013

Then personally appeared the above-named JAYESH PATEL, Individually and as Manager of OM SHRI AGASI MATA LLC D/B/A HAMPTON INNs, who proved to me through satisfactory evidence of identification in the form of a MA Driver's License, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____:PRINTED NAME
 MY COMMISSION EXPIRES: _____ PUBLIC

notary info see →
 reverse

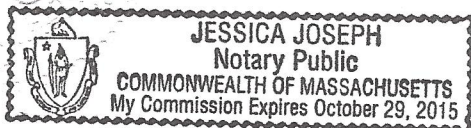
COMMONWEALTH OF MASSACHUSETTS

Worcester, ss

Date:

On this 22 day of May, 20 13, before me, the undersigned
Notary Public, personally appeared Jayesh Kumar Patel (name) proved to me
through satisfactory evidence of identification, which were MA Drivers License
(driver's license, etc.) S47064728, to be the person whose name is signed
on the preceding or attached document in my presence.

Jessica Joseph
Notary Public; (Name)



Certificate of Service

I, Robert D. Loventhal, attorney for the Plaintiffs in the above entitled matter, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants:

1. HC Advisors, c/o Henry R. Kates, Esq., 55 Dorrance Street, Suite 200, Providence, RI 02903 via Certified Mail No. 7011 1570 0001 2182 6400 Return Receipt Requested;

2. HC Advisors, Et Al; P.O. Box 787; Saunderstown, RI 02874 via Certified Mail 7011 1570 0001 2182 5915 Return Receipt Requested;

3. Yaz Kamada, c/o Henry R. Kates, Esq., 55 Dorrance Street, Suite. 200, Providence, RI 02903 via Certified Mail No. 7011 1570 0001 2182 6400 Return Receipt Requested; and,

4. Yaz Kamada, P.O. Box 787, Saunderstown, RI 02874 via Certified Mail No. 7011 1570 0001 2182 6028 Return Receipt Requested

Dated: 5/28/2013

/s/ Robert D. Loventhal
ROBERT D. LOVENTHAL, ESQ.